

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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CASEY O'JEDA et al.,

Plaintiffs,

-v-

VIACOM INC. et al.,

Defendants.
-----X

13 Civ. 5658 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Upon due consideration of the parties' letters dated May 2, 2014, it is hereby ORDERED
as follows:

1. Given the age and demographic nature of the members of the collective, not to mention the realities of modern communication, the Notice of Lawsuit shall be delivered by both first-class mail and by e-mail, and posted on Plaintiffs' counsel's websites, but it shall not be delivered by text message.
2. Plaintiffs' request to send a reminder thirty days before expiration of the opt-in period is granted. The reminder shall be sent by e-mail only. The parties shall confer with respect to the language of the proposed reminder (which shall, at a minimum, provide a link to the full Notice of Lawsuit) and shall submit the proposed language to the Court for approval no later than **thirty days** before it is to be sent.
3. Defendants' request to strike references to Plaintiffs' counsel's websites from the Notice of Lawsuit is denied.

4. Defendants shall be granted **thirty days** to provide Plaintiffs' counsel with the names, last known addresses, and last known e-mail addresses of members of the collective. Defendants need not produce telephone numbers for members of the collective.
5. Defendants shall produce the Social Security numbers of potential opt-in plaintiffs in the event that notices sent to them are returned as undeliverable by both mail *and* e-mail, subject to the terms adopted by the Court at Docket No. 68 in *Saleem v. Corporate Transportation Group, Inc.*, 12 Civ. 8450 (JMF). No later than **May 19, 2014**, the parties shall submit a proposed protective order to the Court consistent with those terms.
6. Subject to the foregoing, Plaintiffs' proposed Notice of Lawsuit is approved. Plaintiffs' proposed Consent to Join Lawsuit form is also approved, except that the first full paragraph shall be deleted and replaced with the following text:

By signing below, I _____ (Print Name) consent to become a party plaintiff in this lawsuit, and I hereby designate the named plaintiffs to act on my behalf.

I understand that the law firms of Virginia & Ambinder, LLP, 111 Broadway, Suite 1403, New York, NY 10006, telephone (212) 943-9080, and Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York, 11514, telephone (516) 873-9550, as attorneys for plaintiffs, will seek reimbursement of reasonable costs expended on my behalf to be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that Virginia & Ambinder, LLP and Leeds Brown Law, P.C. will petition the Court to award them attorney's fees from any settlement or judgment in the amount of the greater of: (1) their "lodestar" amount, calculated by multiplying their reasonable hourly rates by the number of hours expended on the lawsuit, or (2) one-third of the gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

I understand that I am permitted to proceed with alternative counsel of my own choosing at my own expense.

7. No later than **May 8, 2014**, Plaintiffs shall submit to the Orders and Judgments Clerk of the Court a revised proposed Publication Order consistent with the foregoing. Plaintiffs shall also submit via e-mail (Furman_NYSDChambers@nysd.uscourts.gov) a copy of the proposed Publication Order in Microsoft Word format.

SO ORDERED.

Dated: May 5, 2014
New York, New York



JESSE M. FURMAN
United States District Judge